

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MICHAEL J. LAWRENCE,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-10-390-M
)	
JAMES RUDEK, Warden, et al.,)	
)	
Respondents.)	

ORDER


On July 28, 2010, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation where petitioner seeks relief relating to a state court judgment in Oklahoma County District Court in Case No. CF-84-4223, an action which the Court construes as one seeking habeas relief under 28 U.S.C. § 2254. The Magistrate Judge recommends that this action be dismissed without prejudice to the filing of a new action on the grounds that petitioner has failed to: (1) cure deficiencies in his Application, (2) pay the \$5 filing fee, and/or (3) seek an extension of time to do so or show cause for his failure to comply with the Court's Orders. The parties were advised of their right to object to the Report and Recommendation by August 18, 2010, and petitioner was granted an extension of time until September 8, 2010 in which to object. On September 7, 2010, petitioner filed his objection requesting reasonable time to comply with Court Orders and pay the filing fee. From a review of the court file in this case, however, it appears that petitioner has been given ample opportunity to both cure deficiencies in his Application and pay the \$5 filing fee.

Accordingly, upon de novo review, the Court:

- (1) OVERRULES petitioner's objections to the Report and Recommendation,
- (2) ADOPTS the thorough and well-reasoned Report and Recommendation issued by the Magistrate Judge on July 28, 2010, and

- (3) DENIES petitioner's *in forma pauperis* motion for failure to cure deficiencies, and
- (4) DISMISSES the action without prejudice to the filing of a new action.

IT IS SO ORDERED this 8th of September, 2010.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE